

| [NODIS Library](#) | [Legal Policies\(2000s\)](#) | [Search](#) |



NASA Procedural Requirements

COMPLIANCE IS MANDATORY

NPR 2081.1A

Effective Date: May
11, 2010

Expiration Date: May
11, 2015

[Printable Format \(PDF\)](#)

Request Notification of Change

(NASA Only)

Subject: Nondiscrimination in Federally Assisted and Conducted Programs

Responsible Office: Office of Diversity and Equal Opportunity

| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [AppendixA](#) | [AppendixB](#)
| [AppendixC](#) | [AppendixD](#) | [ALL](#) |

Appendix A. Definitions

The following definitions apply to this NPR:

A.1. Beneficiary. A person or group of persons who may receive or enjoy the benefits, services, resources, and information, or participate in the activities and programs assisted by NASA.

A.2. Complainant. Any person or group of persons who files with NASA a complaint that alleges discrimination in a program or activity assisted or conducted by NASA.

A.3. Complaint. A written allegation that discrimination is occurring or has occurred in a program or activity assisted or conducted by NASA. A complaint is a written statement to NASA (including an electronic message) alleging discrimination and requesting, directly or by implication, that NASA take action. The following are not complaints:

- a. Oral allegations.
- b. Anonymous correspondence.
- c. Inquiries that seek advice or information but do not seek action or intervention from NASA.

A.4 Compliance Review. A systematically planned and periodically conducted evaluation of an organization or its instrumentality, funded in whole or part by NASA, to determine whether its civil rights and equal opportunity policies, procedures, and practices are in compliance with applicable civil rights statutes, regulations, standards, and policies.

A.5 Compliance Review Plan (CRP). A planning document prepared by compliance staff

prior to conducting a compliance review. This document provides a detailed "blueprint" of the compliance review's actions. At a minimum, the CRP includes such information as:

- a. Jurisdictional Determination.
- b. Identification of Applicable Federal Statutes.
- c. Information Request/Data Collection.
- d. Determination of Whether Onsite is Necessary.

A.6 "Complete" Complaint. A written statement that contains:

- a. The name, address, and telephone number of the complainant. For complaints alleging a violation of Executive Order 13160, a complete complaint would identify whether the complainant is a Federal employee and whether the complainant's involvement in the relevant education program was related to his or her employment.
- b. A description of the alleged discriminatory conduct in sufficient detail to inform the Agency as to the nature and approximate date of the alleged discrimination.
- c. The complainant's signature or the signature of someone authorized by the complainant to sign on the complainant's behalf.

A.7 Data/Information Request Letter. A written request to the complainant and/or respondent for information relevant to the investigation. A.8 Discrimination. For purposes of this NPR, discrimination means different treatment or denial of benefits, services, rights, or privileges to a person or persons based on race, color, national origin in federally assisted programs (Title VI), gender in educational programs receiving federal financial assistance (Title IX), disability in federally assisted or conducted programs (Section 504), age in federally assisted programs (Age Discrimination Act of 1975), comparable access to electronic and information technology for individuals with disabilities (Section 508), or race, color, national origin, gender, disability, age, religion, sexual orientation, or status as a parent in federally conducted education or training programs (Executive Order 13160).

A.9 Federally Conducted Education and Training Programs. Any program and activity conducted, operated, or undertaken by NASA including, but is not limited to the following education and training programs: (Note: Under Executive Order 13160, Section 2-203, the Attorney General is authorized to make a final determination as to whether a program falls within the scope of education, training programs, and activities covered.)

- a. Formal schools.
- b. Extracurricular activities.
- c. Academic programs.
- d. Occupational training.
- e. Scholarships and fellowships.
- f. Student internships.
- g. Training for industry members.

h. Summer enrichment camps.

i. Teacher training programs.

A.10 Federal Financial Assistance. Includes, but is not limited to, money paid; rental or use of Federal property at below-market value; gift of Federal property; asset, forfeiture funds; Federal training; loan of Federal personnel, subsidies and other arrangements with the intent of providing assistance. Federal financial assistance does not include contract, guarantee, or insurance; regulated programs, licenses, procurement contracts at market value, or programs that provide direct benefits.

A.11 Formal School. Formal academic institutions operated directly by the Federal Government (e.g., Department of Defense Dependents Schools, Department of Defense Domestic Dependent Elementary and Secondary Schools, and elementary or secondary schools operated by the Department of the Interior, Bureau of Indian Affairs).

A.12 Investigative Interview. Any conversation with an investigator or investigative staff during the course of a complaint investigation or compliance review for the purpose of obtaining information relevant to the issues in the case.

A.13 Investigative Plan (IP). Planning document prepared by investigative staff prior to conducting a complaint investigation. This document provides a detailed "blueprint" of the actions investigative staff would normally take in completing a complaint investigation. The IP includes information such as:

- a. Jurisdictional Determination.
- b. Identification of Bases and Issues.
- c. Identification of Applicable Legal Theories.
- d. Information Request/Data Collection.
- e. Determination of Whether Onsite Investigation is Necessary.

A.14. Investigator/Investigative Staff. Individual or individuals conducting complaint investigations and compliance reviews.

A.15 Legal Sufficiency Review. A review of the findings and recommendations pertaining to a complaint investigation or compliance review for the purpose of ensuring:

- a. The accuracy of the document's legal citations.
- b. The appropriate translation of allegations to issues.
- c. The delineation of jurisdiction and authority of NASA.
- d. That all issues are resolved based on a preponderance of the evidence.
- e. That the facts and evidence establishing issue resolution are material, relevant, and reliable.
- f. That the findings of fact and conclusions of law reflect, and are consistent with, the appropriate legal theories and standards.
- g. That the recommended disposition resolves and disposes of all issues and matters.

A.16 Letter of Finding. A written statement signed by the AA, ODEO, in which the issues

and allegations, related facts and evidence, findings and legal conclusions identified by the ODEO in response to a complaint investigation of a respondent of NASA financial assistance are set forth in writing for the purpose of notifying the complainant and the respondent whether, and to what extent, a respondent or NASA has violated any civil rights requirements. This letter officially advises the complainant and the respondent of the findings regarding a complaint investigation or the resolution of a complaint through Early Complaint Resolution or a compliance review. Where appropriate, this letter identifies the actions to correct a violation.

A.17 National Aeronautics and Space Administration (NASA). Includes all NASA Headquarters operations, NASA Centers, and any other NASA Component Facilities and Technical or Service Support Centers to which the legal authority and responsibility have been delegated or assigned to manage, administer, or supervise any NASA program or activity, or any officer or employee of NASA to whom the Administrator has delegated the power and authority to carry out any of the functions or responsibilities under these procedures. NASA also may be referred to as "the Agency."

A.18 Post-award Compliance Review. A compliance review that occurs after a grant recipient institution has been awarded grant funds by the Agency. It may be in the form of either a desk-audit, which is a structured review of compliance information obtained before or without going onsite after the award of financial assistance, or an onsite review, which is a review that extends to all organizational components of a recipient organization or entity. A post-award onsite review is an in-depth examination of a recipient's entire program conducted periodically in a systemic fashion.

A.19 Pre-award Compliance Review. A compliance review that occurs prior to the grant recipient institution being awarded a grant for which it has applied. It may be either in the form of a desk-audit, which is a structured review of compliance information obtained before or without going onsite prior to the award of financial assistance, or an onsite review, which is an extensive review of a recipient's program conducted in the field at program offices.

A.20 Program Review. A compliance review that is limited to a particular recipient program.

A.21 Recipient. Any state, political subdivision of any state, or instrumentality of any state or political subdivision (to include the District of Columbia and any U.S. territories and possessions), any public or private agency, institution, organization or any of their instrumentalities, or any individual (provided the individual is not the ultimate beneficiary) in any state, to whom a Federal department or agency extends financial assistance, directly or through another recipient, for any program or activity, including any successor, assignee, or transferee thereof. In the NASA context, this includes, but is not limited to, institutions of higher education, corporations, or nonprofit associations, receiving Federal financial assistance, through grants, cooperative, or Space Act agreements with NASA. (Note: Recipients of Federal financial assistance do not include parties to procurement contracts with NASA such as purchase orders or other forms of standard procurement.)

A.22 Respondent. For purposes of this NPR, the term "respondent" denotes the institution receiving NASA financial assistance, for example, a college or university, or the NASA Center against whom discrimination is being alleged in a complaint.

A.23 Status as a Parent. The status of an individual who, with respect to an individual

who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is a person with one or more of the following statuses:

- a. A biological parent.
- b. An adoptive parent.
- c. A foster parent.
- d. A stepparent.
- e. A custodian of a legal ward.
- f. *In loco parentis* over such an individual.
- g. Actively seeking legal custody or adoption of such an individual.

A.24 Undue Burden. A "significant difficulty or expense." In determining what is a significant difficulty or expense, NASA considers the resources available to the program or component for which the product is being developed, maintained, used, or procured, as defined in Architectural and Transportation Compliance Board's Final Rule on Electronic and Information Technology Accessibility Standards, 65 Fed. Reg. 80500 (Dec. 21, 2000), codified at 36 C.F.R. 1194, § 1194.4.

A.25 Voluntary Resolution/Corrective Action Agreement. A document which resolves a complaint or compliance review in which issues of noncompliance have been found.

A.26 Witness. The subject of an interview conducted as part of a complaint investigation or compliance review.

| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [AppendixA](#) |
[AppendixB](#) | [AppendixC](#) | [AppendixD](#) | [ALL](#) |

| [NODIS Library](#) | [Legal Policies\(2000s\)](#) | [Search](#) |

DISTRIBUTION: **NODIS**

This Document Is Uncontrolled When Printed.

Check the NASA Online Directives Information System (NODIS) Library to Verify that this is the correct version before use: <http://nodis3.gsfc.nasa.gov>
